

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

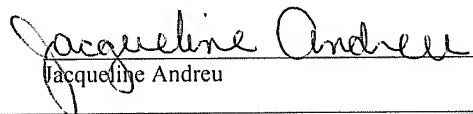
In re Application of: Eric Bornstein  
Serial No: 10/821,442  
Filing Date: 09 April 2004  
Title: INSTRUMENT FOR DELIVERY OF OPTICAL ENERGY TO THE  
DENTAL ROOT CANAL SYSTEM FOR HIDDEN BACTERIAL AND  
LIVE BIOFILM THERMOLYSIS  
Docket No: 072287-0015 (NOMIR-15)  
Art Unit: 3732  
Examiner: Lewis, Ralph A.  
Confirmation No.: 1341

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Date: 28 November 2007

  
Jacqueline Andreu

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Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR § 1.182 TO ACCELERATE CONSIDERATION  
OF THE ACCOMPANYING PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT**

This is a petition under 37 CFR § 1.182 to expedite consideration of the Petition to Withdraw the Holding of Abandonment filed herewith for the above-referenced application. It is respectfully requested that the Petition to Withdraw the Holding of Abandonment be considered as soon as possible, and by 12 December 2007, at the latest. The reason for this request is set forth below.

1. The above-referenced patent application was filed on behalf of Nomir Medical Technologies, Inc. (hereinafter "Nomir"). Nomir's survival depends on investor funding. In June 2007, Normir signed a letter of intent with Sirona Dental Systems GmbH (hereinafter

Sirona) for the joint development and a license of technology relating to claimed subject matter of the above-referenced patent application. As a part of the letter of intent certain clinical trials are required to be performed in connection with that technology, as a precondition to entering into any final agreements. Investors recently have committed three million dollars to Nomir in a Series A round of investment in the company. Nomir has informed the undersigned that the investment was in part because of the letter of intent. Investors have already advanced Nomir approximately \$1.58 million of the \$3.0 million agreed upon.

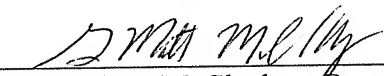
2. At the time of the letter of intent was signed, Nomir had been advised that the records of its attorneys, McDermott Will & Emery LLP, indicated that the above-referenced application was pending. After the letter of intent was signed, a Notice of Abandonment was mailed for this application (mailing date of 22 October 2007). The Notice of Abandonment was mailed for failure to pay the issue fees as required by a Notice of Allowance that the Applicant and Applicant's attorneys have not received, as explained in the accompanying petition. The Series A investors have now delayed payment of the remaining investment money (approximately \$1.4 million), which was due 30 September 2007. Nomir has informed the undersigned that the delayed investment money will have an impact on capital spending necessary for Normir to meet its expenses for the remainder of the current calendar year, as well as complete its clinical trials in accordance with the Sirona letter of intent.

3. It is respectfully requested that this petition be granted and consideration of the accompanying Supplemental Petition to Revive the above-identified application be expedited.

The Commissioner is hereby authorized to charge a petition fee under 37 CFR § 1.17(h), or any other fees that may be required to Deposit Account No. 50-1133.

Respectfully submitted,

Date: 28 November 2007

  
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